IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 29th day of September 2005

Bail Application No. 878 **of 2005**

Order on the bail application of accused

CRIMINAL SIDE

Madan Ram S/o Late Bachi Ram
R/o Vilalge Malla Sindiya (Chil)
Patwari Kshetra Kotmaharbind
Tashil Bhanoli
District Almora ….Applicant.

Versus

State of Uttaranchal ….Opposite Party.

Arising out of Case Crime No. 2 of 2005
Under Sections 363, 366-A, 376 and 506 of I.P.C.
Patwari Kshetra Kotmaharbind
District Dehradun

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 2 of 2005 under Sections 363, 366-A, 376 and 506 of I.P.C., Patwari Kshetra Kotmaharbind, District Almora.

Heard Sri K.S. Bora, learned counsel for the applicant, learned A.G.A. and perused the record.

The prosecutrix in the First Information Report lodged by her has leveled the specific allegation of committing rape upon her against one Dharmendra Singh. The applicant is not named in the First Information Report.

Learned A.G.A. has contended that the applicant is the father of the prosecutrix who has compelled her to elope with Dharmendra Singh. The contention of the learned A.G.A. does not appear to be convincing as the statement of the prosecutrix itself shows that she is living separately from her father.

The applicant is in jail since 16.06.2005 and learned A.G.A. could not show any criminal history of the applicant.

Having considered the aforesaid facts and circumstances of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant Madan Ram be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

29.09.2005
ASWAL